



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to Public Notice No.  
200600218

Issuance Date: July 7, 2006

Stream: UN TRIB BLACKLICK CREEK Closing Date: August 7, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

**APPLICANT:** Tim Muckley  
Glitz & Associates  
4825 Munsen Street NW  
Canton, Ohio 44718

**LOCATION:** The project is located on a 51-acre parcel located at the intersection of East Broad Street and Waggoner Road in Reynoldsburg, Franklin County, Ohio. The proposal would result in impacts to an unnamed tributary of Blacklick Creek and its adjacent wetlands.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to place fill material into waters of the United States in conjunction with the construction of The Shops at Broad Street, a mixed-use retail development. The development would consist of a home retail store, furniture store, and eight separate retail parcels. Ten out-parcels would be located along then northern boundary of the site. Parking for the development would be located in the central portion of the site.

The applicant proposes to place approximately 5,000 cubic yards of clean fill into four wetlands totaling 1.44 acres in conjunction with grading activities associated with parking lot and building construction. Approximately 100' of two unnamed tributaries of Blacklick Creek would be temporarily impacted by the installation of a 15" sanitary sewer line and water line. The utility lines would be installed utilizing the open cut trench method. After installation activities are completed, the stream channels would be restored to their pre-construction contours. The applicant proposes to preserve 1220' of stream channel and 0.07 acre of wetland on-site. The buffer would extend 25' from the top of each bank for a maximum width of 50'. Stream channel #1 would be located within 12.25 acre green space area located along the western boundary of the site. Stream channel #2 and Wetlands D and E would be preserved in the southeast corner of the site. The preservation areas would be protected via a conservation easement or deed restriction.

On-site stormwater management would be accomplished through the construction of two retention basins at the site. Vegetated shelves would be incorporated into the basin design to provide water quality filtration functions and would extend approximately 15-25' from the edge of the ponds. The vegetated shelves would be planted with hydrophytic emergent species including but not limited to sweetflag, broad-leaf water plantain, needle spikerush, long-leaf pondweed, pickerelweed, broadleaf arrowhead, softstem bulrush, American burreed, and giant burreed.. Final plant selection would be based on established water depths and species availability. No mitigation credits are being sought for the vegetated basin; however, the basin would meet National Pollutant Discharge Elimination Standard (NPDES) Phase II requirements.

**COMPENSATORY MITIGATION PLAN:** To compensate for the loss of 1.44 acres of wetlands, the applicant proposes to purchase 3.7 acres of mitigation credit at the Little Scioto Wetland Mitigation Bank in Marion County, Ohio.

above) along the stream channels. The buffers would extend 25' from the top of each bank, for a total of 50'. The preserved stream channels and buffers, as well as 0.20 acre of floodplain wetland, would be preserved in perpetuity within a conservation easement.

**SECTION 404(b)(1) ALTERNATIVES ANALYSIS:** A total of 0.08 acre of jurisdictional wetland would be filled as a result of the proposal. The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed.

Plans of the proposed work are attached to this notice.

A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

**HISTORIC AND CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined there are no properties within the project area listed on the Register. The applicant has conducted a pre-phase I Literature Review for the site. The literature review found 9 previously identified archeological sites with the 1-mile study radius; however, none of the sites were determined to be eligible for the Register. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED AND THREATENED SPECIES:** The project is located within the known or historic range of the following endangered species: Indiana bat and bald eagle. The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7 (c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST REVIEW AND COMMENTS:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

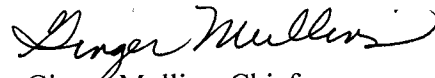
Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager  
North Regulatory Section, CELRH-OR-FN  
U. S. Army Corps of Engineers Huntington District  
502 Eighth Street  
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.

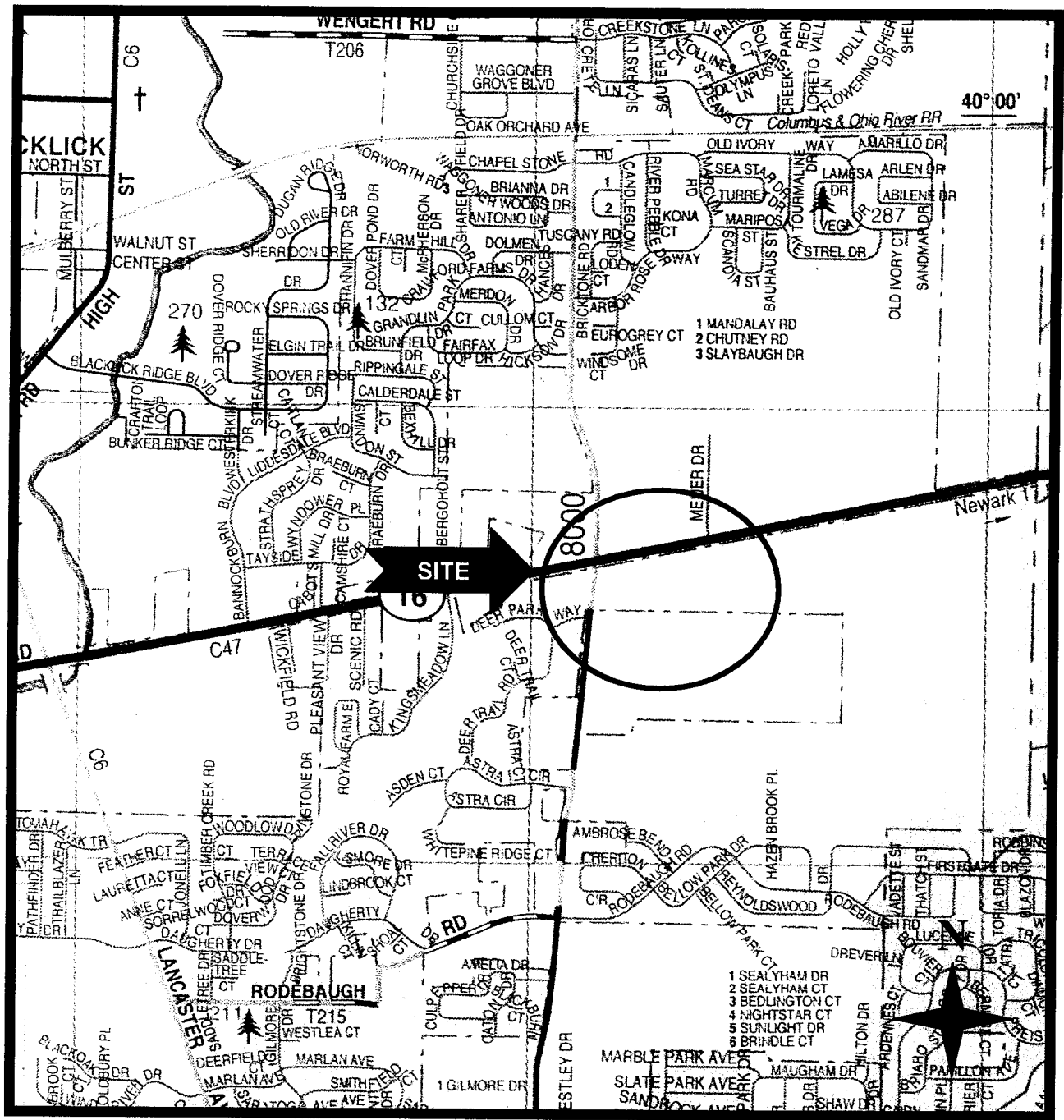
A handwritten signature in cursive script, reading "Ginger Mullins".

Ginger Mullins, Chief  
Regulatory Branch

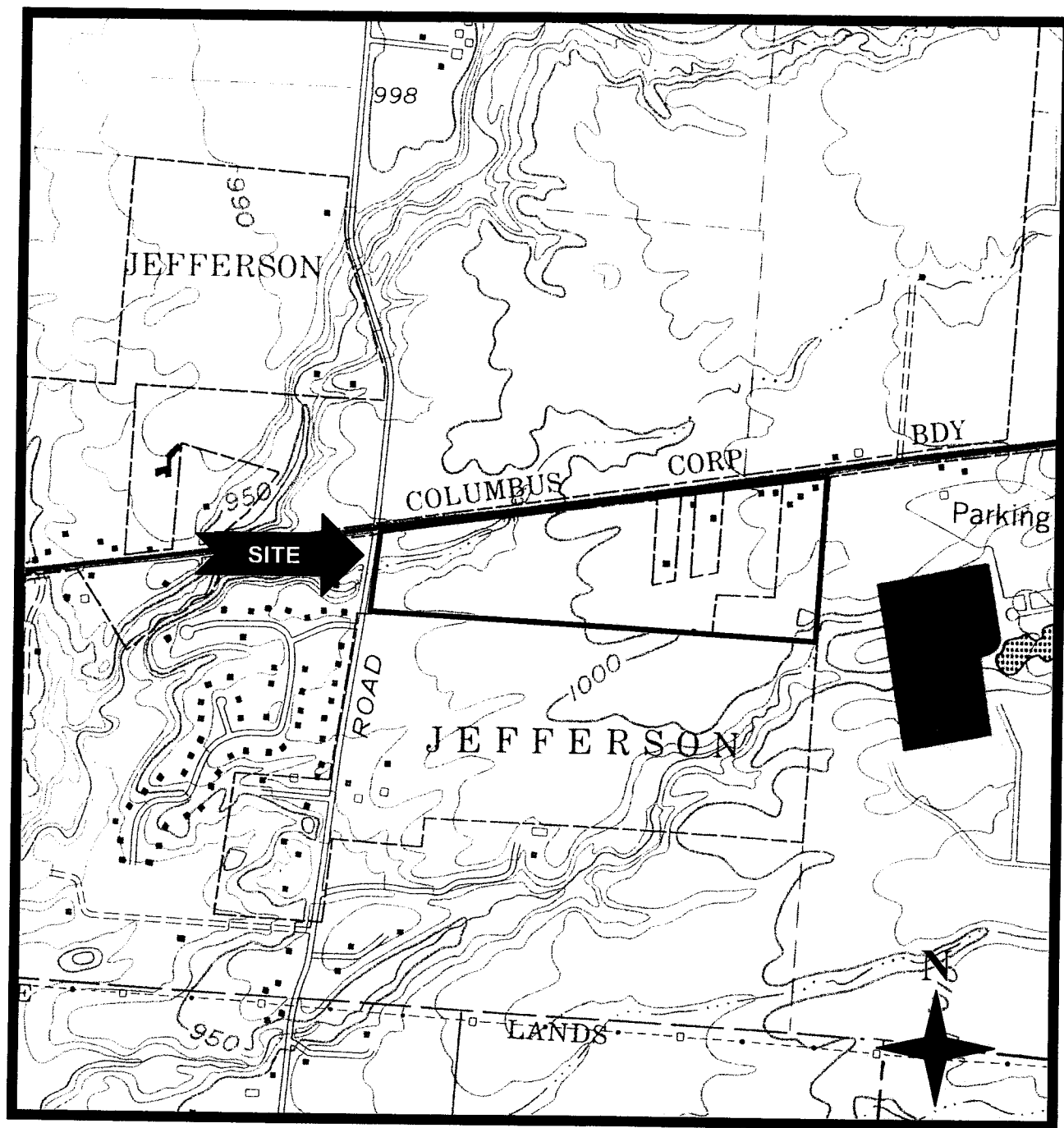
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**TABLE 3**  
**Proposed Wetland Impacts Under Preferred Design**

Area Name	Total Wetland Delineated (acres)	Total Stream Length (feet)	Proposed Fill (acres)	Proposed Stream Impact (feet)	Type of Impact
Wetland A	1.13	-	1.13	-	Permanent
Wetland B	0.14	-	0.14	-	Permanent
Wetland C	0.15	-	0.15	-	Permanent
Wetland D	0.05	-	No Fill	-	No Impact
Wetland E	0.02	-	No Fill	-	No Impact
Wetland F	0.02	-	0.02	-	Permanent
Stream 1	-	933	-	15	Temporary
Stream 2	-	287	-	40	Temporary
<b>Total</b>	<b>1.44</b>	<b>1220</b>	<b>1.44</b>	<b>55</b>	<b>-</b>



**FIGURE 1**  
 Area Location Map  
 1"=1/2 mile  
 (Franklin County Engineering Department, 2005)



**FIGURE 2**  
USGS Topographical Map  
1"=1000'  
Reynoldsburg, Ohio (Revised 1994)

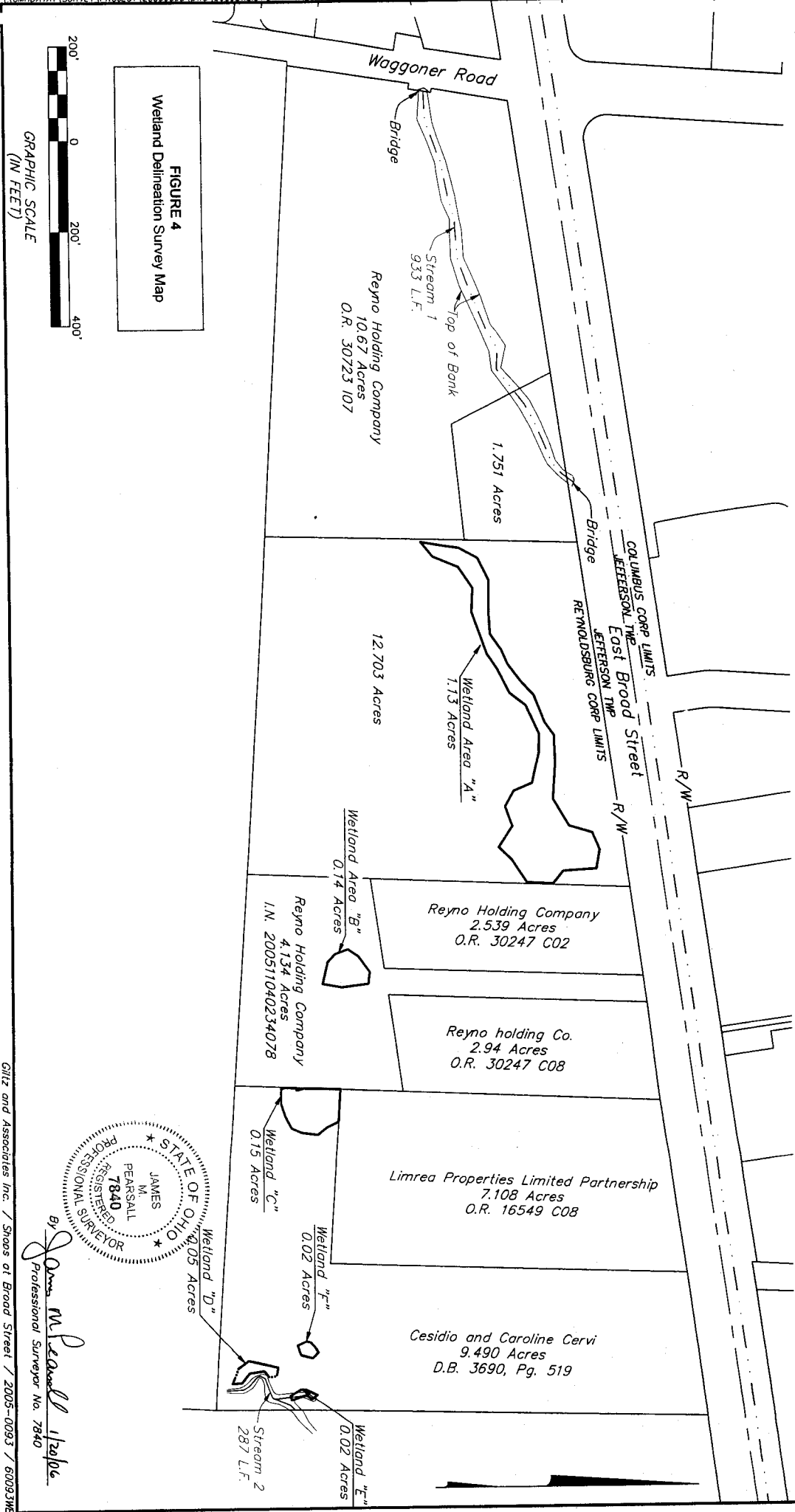


**SURVEY OF ACREAGE PARCEL  
SECTION 2, TOWNSHIP 16, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF REYNOLDSBURG, FRANKLIN COUNTY, OHIO**

Date: January 20, 2006

Scale: 1" = 200'

Job No: 2006-0093



**FIGURE 4**  
Wetland Delineation Survey Map

GRAPHIC SCALE  
(IN FEET)

Giltz and Associates Inc. / Shops at Broad Street / 2005-0093 / 60093WE

By Dana M. Pearl 1/20/06  
Professional Surveyor No. 7840

**EMH&T**

Environmental  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, Ohio 43221  
Phone: 614/775-4800  
Fax: 614/775-4800

**gillz & associates inc.**  
REAL ESTATE • LAND DEVELOPMENT

4627 Main Street, N.E., Canton, Ohio 44705 • Phone: 330/994-6666 • Fax: 330/994-6667

Prepared For:

CITY OF REYNOLDSBURG, FRANKLIN COUNTY, OHIO  
PRELIMINARY ENGINEERING PLAN  
FOR  
**THE SHOPS AT EAST BROAD STREET**  
SOUTHEAST CORNER OF EAST BROAD STREET & WAGGONER ROAD  
PREFERRED DESIGN PLAN

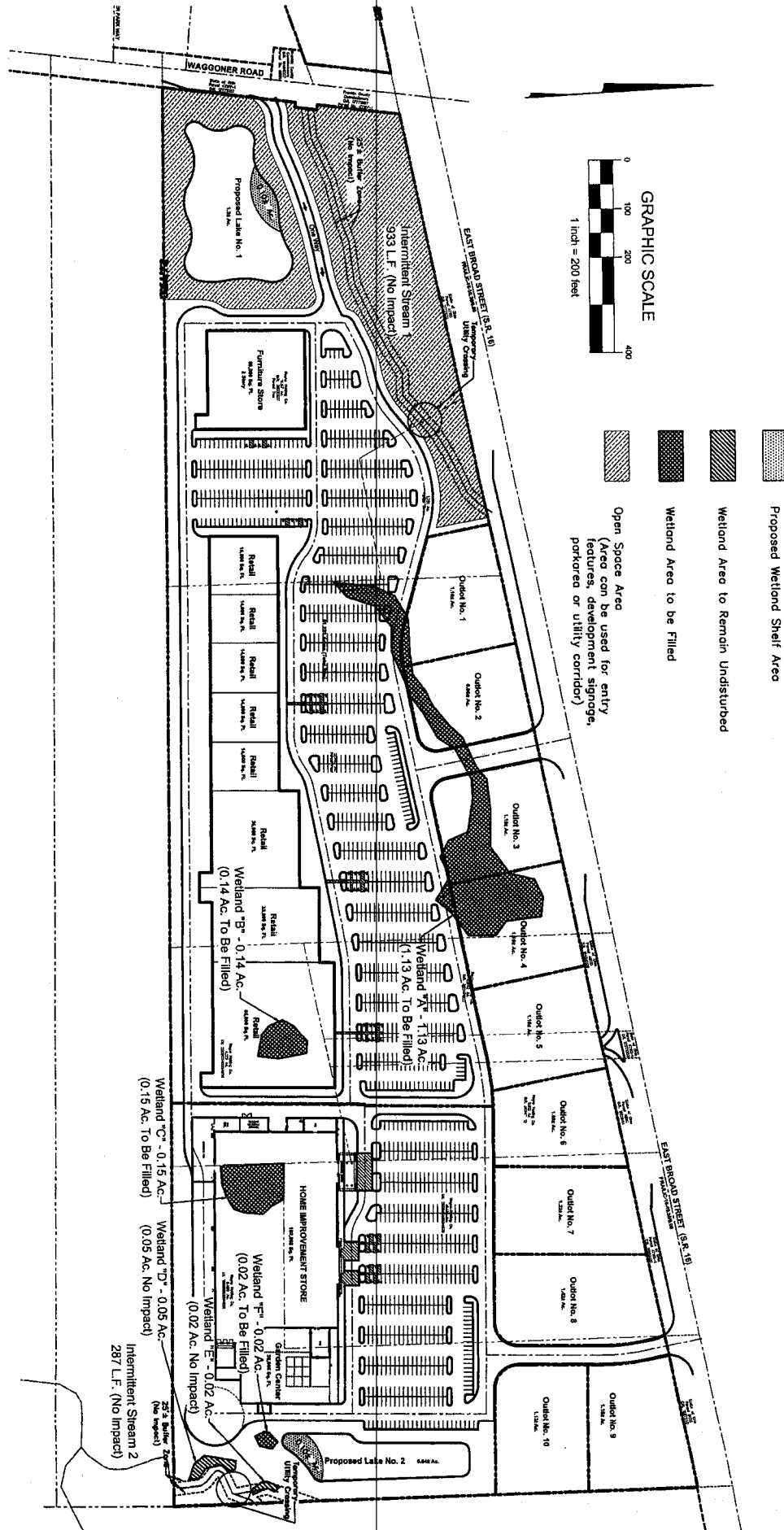
Date: May 8, 2006

Scale: 1" = 200'

Job No: 2006-0583

Sheet: 1 of 7

**FIGURE 5**



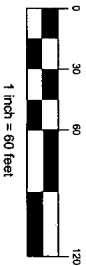
**gilt & associates inc.**

**REAL ESTATE • LAND DEVELOPMENT**

# PRELIMINARY ENGINEERING PLAN FOR

## FIGURE 8

Sheet: **4** of **7**



CH4DA161ROMERPROJECT20060583DWGEAEXHBT1STREAM CROSS SECTIONS DWG11X17 - STREAM | PLAN VIEW - 8 XRES: 60583BS, 60583TP, NORTHORFBROAD, ROADWAY, LIMITED, LIMITEDLTLTIES, SOUTH PROPERTY, DCS BLDG - LAST SAVED BY DROBERTSON [5/8/2006 10:29:42 AM] - PLOTTED BY JOSEPHNG [5/15/2006 14:58:28 PM]

**giltz & associates inc**  
REAL ESTATE • LAND DEVELOPMENT  
4333 Madison Street N.W., Coon Rapids, Ohio 44118 • Phone 330/994-6668, Fax 330/461-6020

## FIGURE 9

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